

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

COMMONWEALTH EDISON COMPANY	:	
	:	
Petition for declaration of service currently	:	
provided under Rate 6L to 3 MW and greater	:	No. 02-0479
customers as a competitive service pursuant to	:	
Section 16-113 of the Public Utilities Act and	:	
approval of related tariff amendments.	:	

REQUEST TO ADMIT

COME NOW the Illinois Industrial Energy Consumers, Abbott Laboratories, et al., Intervenor, and pursuant to 83 Ill. Adm. Code Part 200.190 and 200.360(c), request the Respondent, Commonwealth Edison Company ("ComEd"), make the following admissions for the purpose of this action only and subject to all pertinent objections to admissibility which may be interposed at the hearing on this cause by March 14, 2003. These admissions are:

1. That the following document, exhibited with this request is genuine:

Agreement Regarding Various Matters Involving or Affecting Rates for Electric Service Offered by Commonwealth Edison Company and Certain Parties dated as of March 3, 2003 (without exhibits) (the "March 3, 2003 Agreement" or "Agreement").

2. That each of the following statements is true:

- A. The Agreement dated March 3, 2003 is in full force and effect.
- B. The Agreement dated March 3, 2003 memorializes in part the understanding of the parties referenced in Paragraph 5 of the Motion of Commonwealth Edison Company for Additional Hearings and to Enter Proposed Order dated March 3, 2003 in Ill.C.C. Dkt. No. 02-0479.
- C. Absent the Agreement dated March 3, 2003, the filing of ComEd witness Crumrine's supplemental testimony in this proceeding would not have taken place.

- D. The parties to the Agreement dated March 3, 2003 have agreed that Rate HEP (as modified by proposed amendments refiled by ComEd on or about November 25, 2002, for consideration in Ill.C.C. Dkt. No. 02-0479, pursuant to the Interim Order of November 14, 2002, as modified to adopt a rate design modeled after Rate IPP and as further modified to account for other changes to be effected pursuant to the March 3, 2003 Agreement, as reflected in the exhibits to that agreement) is to remain available to those customers with demand for electricity for 3 MW or more (and other eligible customers) at least through December 31, 2006.
- E. The Agreement is based in part on the assumption the Illinois Commerce Commission has the power and authority under the Illinois Public Utilities Act to compel ComEd to offer Rate HEP to customers with a demand for electricity of 3 MW or more at least through December 31, 2006.
- F. The monthly energy pricing service - Rate MEP - referenced in Paragraph 8 of the Motion of Commonwealth Edison Company for Additional Hearings and to Enter Proposed Order dated March 3, 2003 in Ill.C.C. Dkt. No. 02-0479, and on Page 2 of the Stipulation which is Attachment B to said motion, will be a monthly energy pricing service available to those customers, who as a result of competitive service declarations, lose their opportunity to return to Rate 6L and will be offered through December 31, 2006.
- G. The Agreement is based in part on the assumption the Illinois Commerce Commission has the power and authority under the Illinois Public Utilities Act to require ComEd to offer the monthly energy pricing service described at Page 2 of the Stipulation which is Attachment B to the Motion of Commonwealth Edison Company for Additional Hearings and to Enter Interim Proposed Order dated March 3, 2003 in Ill.C.C. Dkt. No. 02-0479.
- H. The parties to the Agreement dated March 3, 2003 agree to withdraw any challenges to ComEd's proposed amendment to its Rate HEP (as filed on November 25, 2002, for consideration in Ill.C.C. Dkt. No. 02-0479 pursuant to the Interim Order of November 14, 2002, as modified to adopt a rate design modeled after Rate IPP, and as further modified to account for changes to be effected pursuant to said agreement.
- I. To secure support for the Agreement dated March 3, 2003, ComEd has agreed that at least one 3 MW and over customer can leave its

current service contract to take service under Rider PPO or from an ARES, and, after giving notice as required by Rider PPO, Rate RCDS, or such other rate as is applicable, come back to its current service contract and that ComEd will interpret Rate RCDS to include the non-rate provisions contained in the customer's current service contract.

- J. That ComEd is an independent distribution company under the Commission's rules.
- K. That in return for their support of Rate HEP, as described in ComEd's surrebuttal (ComEd Ex. 15), and supplemental (ComEd Ex. 17) testimony ComEd has agreed to provide the City of Chicago \$21 million to be used in administering programs, including energy and environmental programs.
- L. That in return for its support of Rate HEP, as described in ComEd's surrebuttal (ComEd Ex. 15), and supplemental (ComEd. Ex. 17), testimony, ComEd has agreed to pay Cook County \$3 million to be used in the administration of programs, including energy and environmental programs.
- M. That in return for its support of Rate HEP, as described in ComEd's surrebuttal (ComEd Ex. 15), and supplemental (ComEd. Ex. 17), testimony, ComEd has agreed to provide the Citizens Utility Board, the City of Chicago and State's Attorney for Cook County \$16 million to be used for such purposes as a residential refrigerator recycling program, a compact fluorescent light bulb program, an air conditional (window unit) swap program, and residential consumer education and research, to be administered by the Citizens Utility Board.
- N. That in return for its support of Rate HEP, as described in ComEd's surrebuttal (ComEd Ex. 15), and supplemental (ComEd. Ex. 17), testimony, ComEd has agreed to provide \$1 million to the Citizens Utility Board, the City of Chicago and Cook County State's Attorney for study development and presentation of post-transition electricity supply/procurement mechanisms.
- O. That residential customers on the ComEd system do not have demands for electricity in excess of 3 MW per customer.
- P. That residential customers on the ComEd system do not have

demands for electricity in excess of 1 MW per customer.

WHEREAS, Intervenor pray that because of the compressed schedule imposed by this docket, Respondent be compelled to respond hereto on or before March 14, 2003.

DATED this _____ day of March, 2003.

Eric Robertson
Lueders, Robertson, Konzen & Fitzhenry
P. O. Box 735
Granite City, IL 62040
618-876-8500
erobertson@lrklaw.com

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PROOF OF SERVICE

STATE OF ILLINOIS :
 :
COUNTY OF MADISON :

SS

I, Eric Robertson, being an attorney admitted to practice in the State of Illinois and one of the attorneys for Illinois Industrial Energy Consumers herewith certify that I did on the ____day of March, 2003, electronically file with the Illinois Commerce Commission the Illinois Industrial Energy Consumers' Request to Admit, and served upon the persons identified on the attached service list, by electronically transmitting same this date.

Eric Robertson
Lueders, Robertson, Konzen & Fitzhenry
1939 Delmar Avenue
P. O. Box 735
Granite City, IL 62040
(618) 876-8500

SUBSCRIBED AND SWORN to me, a Notary Public, on this ____ day of March, 2003.

Notary Public

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on this ____ day of March, 2003, we have electronically filed with the Illinois Commerce Commission, 527 East Capitol Ave., Springfield, Illinois, 62794, the Illinois Industrial Energy Consumers' Request to Admit, along with Proof of Service thereon attached.

Eric Robertson
Lueders, Robertson, Konzen & Fitzhenry
1939 Delmar Avenue
P. O. Box 735
Granite City, IL 62040
(618) 876-8500

40826

COMMONWEALTH EDISON COMPANY
ICC DOCKET NO. 02-0479

SERVICE LIST

Ann DeBortoli, Wendy Ito,
Peoples Energy Service Corporation
205 N. Michigan Ave., Ste. 4216
Chicago, IL 60601-9729
adebortoli@peoplesenergy.net
wito@peoplesenergy.net

Edward Griffin, W. Michael Seidel
Defrees & Fiske
200 W. Michigan Ave., Ste. 1100
Chicago, IL 60604
ejg@defrees.com
wmseidel@defrees.com

L. Doss , M. Pera and M. Spicuzza
Environmental & Energy Division
Cook County State's Attorney's Office
69 W. Washington, Ste. 700
Chicago, IL 60602
ldoss@cookcountygov.com
mpera@cookcountygov.com
mpicuz@cookcountygov.com

Karen M. Huizenga
MidAmerican Energy Company
106 E. Second Street
P. O. Box 4350
Davenport, IA 52808
kmuizenga@midamerican.com

Darcy A. Fabrizio
Blackhawk Energy Services
N16 W23217 Stone Ridge Dr.
P. O. Box 2226
Waukesha, WI 53187-2226
dfabrizuis@kaztex.com

R. Jolly, A. Neff, C. Reddick

City of Chicago, Dept. of Law
30 N. LaSalle St., Ste. 900
Chicago, IL 60602-2580
rjolly@ci.chi.il.us
aneff@ci.chi.il.us
creddick@ci.chi.il.us

S. Fiorella, G.Fox, J. Hinchliff
Mary Klyasheff, Tim Walsh
Peoples Energy Service Corporation
130 E. Randolph Dr., 23rd Floor
Chicago, IL 60601
sfiorella@pecorp.com
gtfox@pecorp.com
mklyasheff@pecorp.com
j.hinchliff@pecorp.com
twalsh@pecorp.com

Joseph Lakshmanan
Illinois Power Company
500 South 27th Street
Decatur, IL 62521-2200
jlakshmanan@illinoispower.com

David C. Giardina
Sidley Austin Brown & Wood
10 S. Dearborn St.
Chicago, IL 60603
dgiardin@sidley.com

Steven Matrisch, Jan Von Qualen
Office of General Counsel
527 E. Capitol Avenue
Springfield, IL 62701
smatrisc@icc.state.il.us
Jvonqual@icc.state.il.us

Lawrence Gollomp, Paul Phillips

United States Department of Energy
1000 Independence Ave., SW
Washington, DC 20585
lawrence.gollomp@hq.doe.gov
paul.phillips@hq.doe.gov

Carla S. Meiners
MidAmerican Energy Company
Urbandale Business Center
4299 N.W. Urbandale Drive
Urbandale, IA 50322
Csmainers@midamerican.com

Michael S. Pabian, Asst. Gen. Counsel
Commonwealth Edison Company
10 S. Dearborn, 35th Floor
Chicago, IL 60603
michael.pabian@exeloncorp.com

Dale Swan
Exeter Associates, Inc.
12510 Prosperity Dr., Ste. 350
Silver Springs, MD 20904
dswan@exeterassociates.com

Katie Papadimitriou
Illinois Commerce Commission
160 N LaSalle Street, Ste. C-800
Chicago, IL 60601
kpapadim@icc.state.il.us
jvonqual@icc.state.il.us

Philip Casey, ALJ
Illinois Commerce Commission
160 N. LaSalle, Ste. C-800
Chicago, IL 60601
pcasey@icc.state.il.us

Anna Pramaggiore
Commonwealth Edison Company
440 S. LaSalle Street
Chicago, IL 60603

anne.pramaggiore@exeloncorp.com

Leslie Haynes, ALJ
Illinois Commerce Commission
160 N. LaSalle, C-800
Chicago, IL 60601
lhaynes@icc.state.il.us

Sarah J. Read, G. Darryl Reed,
Marla Tun
Sidley Austin Brown & Wood
10 S. Dearborn St.
Chicago, IL 60603
sread@sidley.com
gdreed@sidley.com
mtun@sidley.com

Nick Shea
Central Illinois Light Company
300 Liberty Street
Peoria, IL 61602
nshea@cilco.com

Janice A. Dale
Assistant Attorney General
Public Utilities Bureau
100 W. Randolph St., 11th Fl.
Chicago, IL 60601
jdale@atg.state.il.us

David I. Fein
Christopher J. Townsend
Atty. for Intervenors
Piper Marbury Rudnick & Wolfe
203 N. LaSalle St., Ste. 1800
Chicago, IL 60601-1293
david.fein@piperrudnick.com
christopher.townsend@piperrudnick.com

Brad Fults
Alliant Energy Integrated Services
920 Plymouth Building
12 S. Sixth St.
Minneapolis, MN 55402

bradfults@alliant-energy.com

Patrick N. Giordano
Paul G. Neilan
Atty. for Trizec Properties Inc.
Giordano & Neilan, Ltd.
Suite 2800
333 N. Michigan Ave.
Chicago, IL 60601
patrickgiordano@dereglaw.com
paulneilan@dereglaw.com

Ronald M. Hill
Metropolitan Water Reclamation
District of Greater Chicago
100 E. Erie St., 3rd Fl.
Chicago, IL 60611
ronald.hill@mwrdr.org

Mark G. Kaminski
Assistant Attorney General
Public Utilities Bureau
100 W. Randolph St., 11th Fl.
Chicago, IL 60601
mkaminski@atg.state.il.us

Julie B. Lucas
Legal Counsel
Citizens Utility Board
208 S. LaSalle St., Ste. 1760
Chicago, IL 60604
julucas@citizensutilityboard.org

Michael G. Rosenberg
Metropolitan Water Reclamation
District of Greater Chicago
100 E. Erie St., 3rd Fl.
Chicago, IL 60611

Randy Clarke

Staff Assistant
Attorney General's Office
1000 W. Randolph, 11th Fl.
Chicago, IL 60601
rclarke@arg.state.il.us

Owen E. MacBride
Atty. for Illinois Power Company
Schiff Hardin & Waite
6600 Sears Tower
Chicago, IL 60606
omacbride@schiffhardin.com

Joseph H. Raybuck
Ameren Services Company
1901 Chouteau Ave.
PO Box 66149, MC 1310
St. Louis, MO 63166-6149
jraybuck@ameren.com

Michael Munson
Attorney at Law
123 North Wacker Drive
Suite 1800
Chicago, IL 60606
Michael@Munson.com

Michael Cornicelli
BOMA/Chicago
120 S. LaSalle Street
Suite 1400
Chicago, IL 60603
mcornicelli@bomachi.com

Mark P. Canada, Steven Sherman
National Energy Marketers Assn.
One Indiana Square
Ste. 2800
Indianapolis, IN 46204
mcanada@kdlegal.com
ssherman@kdlegal.com

Craig G. Goodman, Stacey Rantala
National Energy Marketers Assn.

3333 K. Street NW
Suite 110
Washington, DC 20007
cgoodman@energymarketers.com
srantala@energymarketers.com

Julie Hextell, Philip O'Connor
Constellation New Energy, Inc.
550 W. Washington Street
Third Floor
Chicago, IL 60661
julie.hextell@newenergy.com
phil.oconnor@constellation.com

Margaret Barnabee
Chairman's Assistant
Illinois Commerce Commission
160 N. LaSalle Street
Ste. C-800
Chicago, IL 60601-3104
mbarnabe@icc.state.il.us

Mary Vincent
Commonwealth Edison Company
227 W. Monroe, 9th Fl.
Chicago, IL 60606
mary.vincent@exeloncorp.com